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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

CREDIT CARD PROCESSING USA, INC. d/b/a MSI MERCHANT SERVICES, INC.,

Plaintiff

Civil Action No. 10 CIV 7464

-against-

AFFIDAVIT OF SERVICE

MERRICK BANK CORPORATION and CARDWORKS, INC.

Defendant

STATE OF NEW YORK )

S.S.:

COUNTY OF NEW YORK)

NELSON CARVAJAL, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 6th day of October, 2010, at approximately 3:20 pm, deponent served a true copy of the CIVIL COVER SHEET, SUMMONS IN A CIVIL ACTION, COMPLAINT, RULE 7.1 STATEMENT, INDIVIDUAL PRACTICES OF JUDGE SAND, and ELECTRONIC CASE FILING RULES & INSTRUCTIONS upon CARDWORKS, INC at 101 Crossways Park Drive W, Woodbury, NY, by personally delivering and leaving the same with VERONICA FERRONTE, who informed deponent that she is an Assistant Director of Human Resources authorized by appointment to receive service at that address.

Veronica Ferronte is a white female, between 53-56 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 175 pounds with ashy blonde hair and

brown eyes wearing glasses.

NELSON CARVAJAL, # 965441

Sworn to before me this

401 Broadway 19th day of October, 2010 Ste. 510 New York, NY 10013

D.L.S., Inc.

212-925-1220

www.disnational.com.

NOTARY PUBLIC

JONATHAN T. RIPPS NOTARY PUBLIC - STATE OF NEW YORK NO. 01RI6109718 QUALIFIED IN NEW YORK COUNTY COMMISSION EXPIRES MAY 17, 2012